



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, वीरवार, 17 जनवरी, 2008 / 27 पौष, 1929

हिमाचल प्रदेश सरकार

निर्वाचन विभाग

अधिसूचना

शिमला-171009, 15 जनवरी, 2008

संख्या 3-6/2005-ई.एल.एन.-भारत निर्वाचन आयोग की अधिसूचना संख्या 82 / हि०-प्र० / (1 / 2003) / 2005, दिनांक 31 दिसम्बर, 2007 तदनुसार 10 पौष (शक) 1929, जिसमें 35-गंगथ (अ.जा.) सभा निर्वाचन क्षेत्र से विधान सभा निर्वाचन 2003 से सम्बन्धित निर्वाचन याचिका संख्या 01 शीर्षक "देश राज बनाम बोध राज" से उद्भूत 2005 की सिविल अपील संख्या 4676 में उच्चतम न्यायालय के तारीख 30.11.2007 का निर्णय निहित है, को जनसाधारण की सूचना हेतु प्रकाशित किया जाता है।

आदेश द्वारा,
मनीषा नन्दा
मुख्य निर्वाचन अधिकारी।

भारत निर्वाचन आयोग

तारीख :- 31 दिसम्बर, 2007

10 पौष (षक) 1929

अधिसूचना

सं० 82/हि०-प्र०/(1/2003)/2005.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 116(ग) के अनुसरण में निर्वाचन आयोग 2003 की निर्वाचन याचिका सं० 1 से उद्भूत 2005 की सिविल अपील सं० 4676 में उच्चतम न्यायालय के तारीख 30/11/07 के निर्णय को एतद्वारा प्रकाशित करता है।

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001.

Dated 31st December, 2007

10 Pausa, 1929 (Saka)

NOTIFICATION

No. 82/HP-LA/(1/03)/2005.—In pursuance of Section 116C of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India, hereby, publishes the judgment/order dated the 30th November, 2007 of the Supreme Court of India in the Civil Appeal No.4676 of 2005 arising out of Election Petition No. 1 of 2003.

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4676 OF 2005**

Desh Raj

..... Appellant

Versus

Bodh Raj

..... Respondent

J U D G M E N T**K.G. Balakrishnan CJI.**

This statutory appeal under section 116A of the Representation of People Act 1951, is filed by an Election Petitioner against the judgment dated 7.6.2005 of the Himachal Pradesh High Court dismissing his Election Petition No.1 of 2003 challenging the election of the respondent (Bodh Raj) as Member of Legislative Assembly from 35-Gangath (SC) Assembly Constituency.

2. The case of the appellant in brief is that 35-Gangath Assembly Constituency is reserved for scheduled castes, that he and the respondent, among others were candidates for election from the said constituency. In the said election held on 26.2.2003, the respondent secured the highest number of votes namely 24499 and was declared as elected. The respondent had in his nomination paper declared that he belongs to a scheduled caste (Lohar) and in support of his claim,

had produced a caste certificate dated 16.12.1991 issued by the Executive Magistrate, Indora, District Kangra certifying that he belonged to scheduled caste of Lohar. Only a few days before the polling, the appellant learnt that respondent does not belong to Lohar caste but belongs to 'Tarkhan' caste which is not a scheduled caste in the State of Himachal Pradesh. According to Appellant, the respondent was disqualified to contest the election in the Assembly Constituency reserved for scheduled caste and therefore, the election of the respondent was void.

3. The respondent resisted the said election petition. In his written statement, he asserted that he belonged to Lohar caste (a Scheduled Caste) and was eligible and qualified to contest as a candidate for the reserved Assembly Constituency (35-Gangath). He also contended that he was not served a complete and attested copy of election petition and therefore, the petition was liable to be rejected.

4. Issues 1 to 3 framed by the High Court (relating to the respondent's contention that he was not served a complete and attested true copy of the election petition) were treated and tried as the preliminary issues and held against the respondent by order dated 26.9.2003. Thereafter, evidence was led in regard to the issues (4) to (6) which read thus:

- (4) Whether the respondent is not a member of Lohar Caste (SC) and was not qualified on the date of his election to fill the seat in the Assembly, from reserved Constituency for SC?
- (5) Whether nomination paper of respondent has wrongly and improperly been accepted?
- (6) Relief

After appreciating the oral and documentary evidence, the learned Single Judge of the High Court by Judgment dated 7.6.2005 held that the appellant failed to prove that respondent did not belong to a schedule caste (Lohar) and was not qualified to contest the election to the assembly seat reserved for scheduled caste. As a consequence, he dismissed the petition. The said judgment is under challenge in this appeal.

5. It is not in dispute that a person who does not belong to a scheduled caste, cannot offer himself as a candidate for election to a reserved constituency. Article 173 of the Constitution prescribes the qualification for membership of the State Legislature and provides that a person shall not be qualified to be chosen to fill a seat in the legislature of a State unless he is a citizen of India, not less than 25 years of age, and possesses such other qualifications as may be prescribed in that behalf by or under any law made by Parliament. Section 5 of the Representation of People Act, 1951 ('Act' for short) made by the Parliament prescribes the qualification for membership of a Legislative Assembly. It provides that a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of a State, reserved for the scheduled castes of that State, unless he is a member of any of those scheduled castes and he is an elector for any Assembly Constituency in that State. Section 100 of the Act enumerates the grounds for declaring an election to be void. Clause (a) of sub-section (1) thereof provides that if the High Court is of the opinion that on the date of his election, a return candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution or under the Act, the High Court shall declare the election of the returned candidate to be void. Thus, if a candidate who contests the election, representing himself by belonging to a schedule caste, is shown in a proceeding contesting his election, as not belonging to a schedule caste of the state, his election is liable to be declared as void. Therefore, the only question that arises for our consideration is whether the appellant had proved that the respondent does not belong to 'Lohar Caste'- a scheduled caste of the State of Himachal Pradesh.

6. The appellant had let in oral evidence by examining some residents of the respondent's village Mohtli - Jagdish Raj (PW7), Satpal (PW8), Joginder Singh (PW9) and Mohal Lal (PW10) to show that the respondent belonged to 'Tarkhan' caste. He also let in documentary evidence in the nature of school records (Ex.PW-2/A, Exs.PW-3/A and 3/B), birth register extracts (Exs.PW-6/A, 6/B, and 6/C) and Pariwar Register maintained by the Gram Sabha (Exs.PW-4/A, 4/B, 4/C and 4/D) to show that the caste of respondent was 'Tarkhan' and that after 1990 respondent had attempted to represent that his caste as Lohar. We will first consider the oral evidence.

7. Jagdish Raj (PW7) stated that the respondent's mother and his father were cousins, that he and respondent belong to Tarkhan caste and are residents of Mohtli village. According to him, the village has three Mohallas. About ten families of Tarkhan caste and those belonging to the Rajput caste reside in Jaildar Mohalla. Persons belonging to the scheduled castes of Chamar, Mahashay, Batwal and Bazigar reside in the Harijan Mohalla. Brahmins reside in the Brahmin Mohalla. He stated that no one belonging to 'Lohar' caste resided in the village. He also states that respondent's parents were Milkhi Ram and Giano Devi. He also gave the names of other Tarkhan families in the village who were the relatives of the respondent. His evidence was rejected by the High Court on the ground that the witness had admitted that his grandfather had worked as a Blacksmith and a person who worked as a blacksmith was called as a Lohar and a person who worked as Carpenter was called as Tarkhan and on the ground that he was not in a position to say the degree of relationship between his father and respondent's mother, when he claimed that they were cousins.

8. Satpal (PW8), another resident of Mohtli village, stated that respondent was a Tarkhan by caste, that he knew respondent's father Milkhi Ram as also his relatives who all belonged to Tarkhan caste and who were displaced persons who had come from Pakistan and settled in the village Mohtli. He also stated that Mohtli village is divided into three areas namely Brahman Abadi where Brahmins lived, Jaildar Mohalla where Tarkhan and Rajput families resided and a separate Mohalla where people belonging to scheduled castes - Chamar, Mahashay, Batwal and Bazigar resided and that there was no Lohar family in the village Mohtli. He also stated that except respondent, there was no other person known as Bodh Raj son of Milkhi Ram in the village Mohtli. The evidence of this witness was rejected by the High Court on the ground that the witness was able to state the number of issues of each son and daughter of Milkhi Ram.

9. Joginder Singh (PW9), another resident of Mohtli village, stated that respondent belonged to Tarkhan caste, that he also knew the respondent's father Milkhi Ram as also their relatives who all belonged to Tarkhan caste. He also stated that Milkhi Ram had five children namely three sons (Sat Pal, Yashh Pal and Bodh Raj) and two daughters (Satya Devi and Raj Rani) and the respondent was youngest among the five issues of Milkhi Ram. He also stated that Tarkhans and Rajputs reside in Jaildar Mohalla, that persons belonging to scheduled castes of Chamar, Bazigar, Batwal and Mahashay resided in a separate Mohalla, and Brahmins resided in another separate Mohalla. The evidence of this witness was rejected on the ground that he was a sympathizer towards BJP party to which the appellant belonged and therefore, inimical towards respondent who belonged to Congress Party.

10. Mohan Lal (PW10) who is also a resident of the Mohtli, stated that respondent belonged to Tarkhan caste and that there was no person other than respondent in the village who is known as Bodh Raj, son of Milkhi Ram and that no Lohar family resides in the Village Mohtli. His evidence was rejected by the High Court on the ground that he did not know respondent's father Milkhi Ram and had not stated the occupation of the respondent's family members.

11. The appellant Desh Raj gave evidence as PW-11. He stated that respondent belonged to Tarkhan caste and was not qualified to contest the election for a seat reserved for scheduled castes. He stated that only 4 to 5 days before the polling, he came to know from his workers that respondent belonged to a backward caste (BC) and not a scheduled caste. His evidence by the High Court was rejected as he had no person knowledge about the caste of the respondent.

12. We may also refer to the evidence of the respondent's witnesses hailing from the village Mohtli. RW-1 Yash Pal, respondent's elder brother, examined as RW-1 stated that he and respondent are Lohars by occupation. He also stated that Basaba Ram and Nasib Chand who are related to him were also Lohars by 'occupation'. In his cross-examination, he stated that his father Milkhi Ram had five children (three sons and two daughters), that the respondent was the youngest, that his grandfather's name was Gopi, that he and respondent studied in the village school, and that respondent was carrying on the business of scooter repairs. Tilak Raj examined as RW-4 stated that respondent, and his relations Khazana Ram and Basaba Ram were Lohar by caste as they were doing the job of Lohars. Ved Prakash (RW-6) stated that respondent and his brothers as also Basaba Ram and Khazana Ram worked as Lohars and were, therefore, belonged to Lohar caste. He admitted that he was elected as the Pradhan and respondent was elected as Up Pradhan of Mohtli Gram Panchayat in the year 1990 that both belonged to congress party. He also admitted that gram panchayat maintained a register known as Pariwar Register, that Pradhan of the gram panchayat was the overall custodian of all records and that the details of all families residing in the panchayat areas including names, age, address, caste etc, are recorded in the said register. He admitted that in the Ex.PW4/A, the Pariwar Register relating to the year 1976, the caste of respondent and his family had been shown as Tarkhan and that then corrected as 'Lohar'. Ram Singh (RW- 7) stated that he knew respondent's father Milkhi Ram and his three sons including respondent were belonged to Lohar caste. He also stated that he had seen the members of the respondent's family working as Lohar and therefore, he stated that he belonged to the caste of Lohar. Bua Butta (RW-8) another resident of Mohtli village stated that he knew the respondent, that respondent was a Lohar by caste. According to him, because he used to get agricultural iron implements prepared and repaired by him, the respondent belonged to Lohar caste. He asserted that except respondent there is no other Bodh Raj, son of Milkhi Ram in the Mohtli village. Maggai Singh (RW-11) who is a resident of a neighbouring village of Surajpur stated that he used to get Lohar's job done from Milkhi Ram, Khazana Ram and Chaina Ram and that 'since they were working as Lohars, they were Lohars by caste. He also clarified that he had not enquired about their castes and that it is possible that respondent and his family may be Tarkhans.

13. What emerges from the aforesaid oral evidence is that while the witnesses examined by the appellant (PWs 7, 8, 9 and 10), who all belonging to Mohtli village to which respondent belonged, stated that they knew him and his family well and that he belonged to Tarkhan caste. The crossexamination of these witnesses (PWs 7, 8, 9 and 10) has not brought out anything significant to disbelieve their evidence. On the other hand, the evidence of the witnesses of respondent (RWs 1, 4, 6, 7, 8 and 11) has been to highlight the occupation of respondent and his relatives. They have all stated that because the respondent's family and relatives were doing the job of Lohars, they belong to the caste of 'Lohar'. In fact, the evidence of appellant's elder brother Yash Pal in his short examination-in-chief, extracted below, is significant :

"I know the respondent. He is my brother. We are Lohars by occupation. Name of my father is Milkhi Ram. I know Basawa Ram and Nasib Chand also. They are related to me. They are also Lohars by occupation."

14. We will next consider the documentary evidence. Ex.PW-2/A is the admission and withdrawal Register of Government Primary School, Mohtli for the relevant period. Entry at Sl.

No.1739 in the said Register shows that Bodh Raj, son of Milkhi Ram, Labourer (date of birth 2.5.1956; caste: Tarkhan) was admitted on 16.4.1962 to the First Standard and his name was struck off due to lack of attendance on 11.2.1964. There is another entry relating to Bodh Raj, son of Milkhi Ram of Mohtli village at Sl. No. 1959. This entry shows that Bodh Raj, son of Milkhi Ram (date of birth 2.5.1956, caste : Tarkhan) was admitted to the second standard. The portion of the sheet where the date of admission was noted is torn and it is however, evident from the other entries in the sheet that the admission for the second time was made in April, 1964. The entry also shows that he studied up to 5th standard and completed his education in the school on 31.3.1967.

15. Ex.PW-3/A is the application form for admission given to the government Secondary school by Milkhi Ram. It gives the name of the student as Bodh Raj, father's name as Milkhi Ram, date of birth as 2.5.1956 and the caste as Tarkhan. It contains the thumb mark of Milkhi Ram. Ex.PW-3/B is the Admission Register of Mohtli Government Middle School for the period 1962 to 1969. Entry No.778 relates to Bodh Raj son of Milkhi Ram, Mazdoor, caste Tarkhan. The admission was noted in a page at the top of which was the date 11.9.1967. As the next page starts with the date 4.4.1968, it is to be inferred that the admission to the middle school was in the year 1967-68.

16. Ex.PW-6/A is the extract of the Birth Register maintained by the Indora Police Station (page 376 entry no.27) whose limits include Mohtli village. Ex.PW-6/B is the true English translation of Ex. PW/6A which is in Urdu. Ex. PW6/C is the certificate of birth. They relate to the birth of the fifth child of Milkhi Ram (son of Gopi Ram) and Smt. Giano, on 2.5.1956. The place of residence of the parents is shown as Mohtli and their caste is shown as Tarkhan. The name of the male child is shown as Bodh Ram. The registration was made on 16.5.1956, on the report of the Chowkidar.

17. Ex.PW-4/A, Ex.PW-4/B, Ex.PW-4/C and Ex.PW-4/D are the Pariwar Register of Mohtli Village for the years 1976, 1977, 1982-89 and 1990 onwards. The said register is maintained as required by the relevant rules relating to Gram Sabhas. In Ex.PW-4/A relating to the year 1976, the family of Yash Pal is shown as consisting of Yash Pal, his wife Prem Lata, daughter Guddi and brother Bodh Raj. Under the column 'whether scheduled caste or scheduled tribe', the caste is entered as 'Tarkhan', which is struck off and substituted by the word 'Lohar' without any attestation regarding correction. In Ex.PW-4/B is the pariwar register relating to the year 1977, the entry relating to Sat Pal and his family shows that his family consisted of himself, his wife Kamlesh, his brothers Yash Pal and Bodh Raj and his children Asha, Nirasha and Sushil Kumar. Under the column 'whether scheduled caste or scheduled tribe', the caste is entered as 'Tarkhan' which is struck off and substituted by the words 'Lohar' without any attestation regarding correction. In Ex.PW-4/C which is the Pariwar register for the year 1982- 1989, the entry regarding the family of Sat Pal shows the family as consisting of himself, his wife Kamlesh, his children Asha, Nirasha and Sushil Kumar, his brother Yash Pal and his wife Prem Lata and child Guddi and another brother Bodh Raj. Here again, under the column 'whether scheduled caste or scheduled tribe', the entry is 'Tarkhan' which is struck off and substituted by the word 'Lohar' without any attestation regarding the correction. Ex.PW-4/D is the Pariwar register for the year 1990 onwards and in this register, the family of Bodh Raj is shown as consisting of himself, his wife Kunti Devi and children Rajiv Kumar and Pankaj Kumar and under the column 'whether scheduled caste or schedule tribe', the caste is shown as 'Lohar'.

18. The High Court has rejected all these documents as either not proved or not of any evidentiary value. We may now consider whether they were properly proved.

19. Ex.PW-2/A (admission and withdrawal register of the government primary school, Mohtli) was produced by PW-2 (Kamla Kumari) employed in the Government primary school, Mohtli, in response, summons issued to the said school to produce the said register. She also gave evidence regarding entries nos. 1739 and 1959 relating to Bodh Raj and gave the particulars entered in regard to Bodh Raj under the said two entries. In her cross-examination, she stated that she has been posted in the said school for the last two years and that she had not made the said entries. The High Court has rejected the said School Register on the ground that the said register Ex.PW-2/A and the entries therein relating to Bodh Raj merely on the ground that PW-2 was not the author of the entries and she has no personal knowledge about the entries. The High Court relied on the decision of this Court in *Birad Mal Singhvi vs. Anand Purohit* [AIR 1988 SC 1796].

20. Section 35 of the Evidence Act provides that an entry in any public or other official book or register or record, stating a fact in issue or relevant fact and made by a public servant in the discharge of his official duty or by any other person in performance of a duty specifically enjoined by law of the country in which such book or register is kept, is itself a relevant fact. Having regard to the provisions of Section 35, entries in school admission registers in regard to age, caste etc, have always been considered as relevant and admissible. [See : *Umesh Chandra vs. State of Rajasthan* - 1982 (2) SCC 202 and *State of Punjab vs. Mohinder Singh* - 2005 (3) SCC 702]. In *Kumari Madhuri Patil vs. Addl. Commissioner* [1994 (6) SCC 241], this Court observed that caste is reflected in relevant entries in the public records or school or college admission register at the relevant time and certificates are issued on its basis. In *Birad Mal Singhvi* (supra), this Court after referring to the ingredients of section 35 held thus :

"An entry relating to date of birth made in the school register is relevant and admissible under section 35 of the Act, but the entry regarding to the age of a person in a school register is of not much evidentiary value to prove the age of the person in the absence of material on which the age was recorded. The entries regarding dates of birth contained in the scholar's register and the secondary school examination have no probative value, as no person on whose information the dates of birth of the aforesaid candidates was mentioned in the school record, was examined. In the absence of the connecting evidence, the documents produced by the respondent, to prove the age of the aforesaid two candidates have no evidentiary value."

This Court further held unless the parents, or persons conversant with their date of birth were examined, the entry in the school register by itself will not have much evidentiary value. In this case, we are concerned with the 'caste' and not the date of birth. The residents of a village have more familiarity with the 'caste' of a co-villager, than the date of birth of the co-villager. Several villagers who knew the respondent and their father, including a cousin of the respondent has been examined and they have stated the caste of the respondent. Appellant has also produced other documentary evidence which clinch the issue, namely the application made by the respondent's father for admission of respondent to school, birth register extract and village Pariwar Register extracts to establish the caste of the respondent. Further the said entries in the school register were made nearly forty years prior to the election petition. When read with other oral and documentary evidence, it cannot be said that Ex.PW-2/A has no evidentiary value even by applying the strict standards mentioned in *Birad Mal Sanghvi*.

21. We will next refer to Ex. PW3/A and Ex. PW3/B produced by PW-3 Smt. Indersh Bala, Principal of the Mohtli Senior Secondary School in response to a summons issued by the High Court. Ex. PW3A is application for admission submitted to the School by Milkhi Ram, father of Bodh Raj, registered as Sl.No.478. Ex.PW-3/B is the School Admission Register and entry 778 showed that Bodh Raj son of Milkhi Ram, caste Tarkhan, was admitted to Middle School and had

passed 8th standard from the school. PW-3 stated that the particulars mentioned in the entry were that he was the son of Milkhi Ram, resident of village Mohtli and that his caste was Tarkhan. In her cross-examination, she stated that she was working in the said school for the last about one and half years and has no personal knowledge about the entries made therein. The High Court rejected both Ex.PW-3/A and PW-3/B on the ground that the date of Ex.PW-3/A was not clear and can be read as 22.4.1996 or 23.4.1968 and neither of those dates correlated to Ex.PW-3/B as that showed that admission must have been made between 11.9.1967 and 4.4.1968. It is evident from Ex.PW-2/A that Bodh Raj left the primary school on 31.3.1967. The date on which the application for admission was registered was seen as '22.4.196__'. Only regarding the last figure in the 'year' the court had a doubt whether it was '6' or '7' or '8' as that would make the year 1966, or 1967, or 1968. Merely because there was difficulty in reading one figure in the date cannot be a ground to refuse to accept Ex.PW-3/A. The said application submitted by Milkhi Ram, containing his thumb mark, being a document more than 30 years old attracts the presumption under section 90 of evidence Act. As Ex.PW-3/A gives the caste as 'Tarkhan', it has to be treated as clinching evidence. Ex.PW-3/B which was also produced from proper custody in pursuance of summons issued from the court showed that Bodh Raj, son of Milkhi Ram, Tarkhan caste, belonging to Mohtli village studied upto 8th standard. Here again it should be noticed that the evidence of the witnesses of both appellant and respondent is that there is only one Bodh Raj, son of Milkhi Ram in Mohtli village. Therefore, there was no justification to hold that there were some irreconcilable difference between Ex.PW-3/A and Ex.PW-3/B and rejected both the documents. Another reason given by the High Court to reject the said evidence is that Ex.PW-3/B showed that the Bodh Raj had passed the 8th Standard and whereas he had stated in his cross examination that his qualification is under 'middle'. The High Court interpreted this as having failed in 8th standard, and considered the said statement as a contradiction and therefore, an additional ground for rejecting Ex.PW-3/B. The Respondent had been evasive in his evidence about his date of birth and particulars of his relatives in the village, to avoid being linked to the caste mentioned in the school records. Therefore, his statement that he was under 'middle' was not a ground to reject the correction of Ex.PW-3/B. Insofar as the evidentiary value of Ex.PW-3/B, our observation with reference to Ex.PW-2/A equally apply to Ex.PW-3/B also.

22. We are of the view that the High Court committed an error in ignoring the entries in the admission and withdrawal registers of the government primary and middle schools, Mohtli (Ex. PW-2/A and Ex. PW- 3/B). We have already noticed the evidence (of PW8 and RW8) that there is only one Bodh Raj, son of Milkhi Ram in the village of Mohtli. Respondent does not claim that there was any other Bodh Raj, son of Milkhi Ram in the village of Mohtli. Respondent, who was examined as RW-5, specifically admits that he studied in the Government primary school, Mohtli. He gives his age as 48 years in 2004 which corresponds with the age that is entered in the said register. When he was put a specific question about his date of birth that is 2.5.1956 (which was the date entered in the said registers), the respondent gave an evasive answer stating that he did not know whether his date of birth was 2.5.1956. What is significant is that he did not deny that his date of birth was 2.5.1956. In fact RW-9 examined by respondent admitted that date of birth of respondent is 2.5.1956. The admission of the respondent that he was born around 1956 and was a resident of Mohtli village and studied in the government primary school, Mohtli, when read with the School records, prove beyond doubt that the entries in Ex. PW2/A and Ex. PW3/B referred to above relating to Bodh Raj, son of Milkhi Ram of Mohtli village, Tarkhan caste, refers to respondent.

23. In response of summons issued by the High Court, PW-6 Naresh Sood working as Projectionist in the office of CMO, Dharmashala, brought the birth register and maintained by the Indora Police Station. The relevant entry relating to birth of the fifth child of Milkhi Ram and Giano of Mohtli village of Tarkhan caste on 2.5.1956 was marked as Ex.PW-6/A. An English

translation of the Urdu extracts was Ex.PW-6/B, and the certificate as Ex.PW-6/C. The said register and the extract showed the name of the child as 'Bodhu Ram'. It also shows that the entry was made on 16.5.1956 on the information given by the, Chowkidar. The High Court rejected the said evidence merely on the ground that the name of the child was mentioned as 'Buddu Ram' and not as Bodh Raj. This again is a public record relating to births maintained as per Rules in the usual course of discharge of official functions. The Punjab Police Rules, 1934 (applicable to Himachal Pradesh) require maintenance of a Register of Births and Deaths at the Police Station (vide Rule 22.45 in Chapter XXII relating to Police Station. Rule 22.66 gives the manner of maintaining such Register. Clause (5) states that birth and death registers shall be retained at the Police Station for one year after the date of last entry and shall be sent to the Civil Surgeon for record. The Rule requires the village Watchman should diligently report births and deaths of his village diligently. Therefore the said birth records ought to have been accepted by the High Court. The High Court has rejected the Birth Extract and certificate as they relate to Buddu Ram and not Bodh Raj. It is quite possible that the person who gave information mentioned the name as Buddu Ram instead of Bodh Raj or that the child was also known as Buddu Ram initially. But what is relevant is that fifth child of Milkhi Ram and Giano of Mohtli village who belonged to Tarkhan caste was born on 2.5.1956. It is nobody's case that Milkhi Ram and Giano of Mohtli village had some other fifth child born on 2.5.1956.

24. In pursuance of summons issued by the court, Chunni Lal, the Panchayat Secretary of Gram Panchayat, Mohtli (PW-4) produced the Pariwar register prepared and maintained as required under the Rules relating to Gram Sabhas. The pariwar registers for the years 1976, 1977, 1982 to 1989 and 1990 onwards were produced as Exs.PW-4/A, PW-4/B, PW-4/C and PW-4/D. In Ex.PW-4/A, Bodh Raj was shown as family member of elder brother Yash Pal. In Exs.PW-4/B and PW-4/C, he was shown as a family member of elder brother Sat Pal. In all these registers, the family was shown as of Tarkhan caste. Against the column 'whether scheduled caste or scheduled tribe', the entry was 'Tarkhan' which was struck off and substituted by the entry Lohar. The correction was not attested. On the other hand, Ex.PW-4/D relating to the period of 1990 onwards showed the respondent himself as the head of his family and his caste as Lohar. RW-6, Ved Prakash, was the Pradhan of the Mohtli Gram Panchayat elected for two terms in 1985 and 1990. He also had admitted that the gram Sabha was maintaining a pariwar register containing the details of all families residing in the panchayat area including their ages, occupations, castes etc. The suggestion put by respondent (RW-5) and Ved Prakash [RW6] (Pradhan during 1985-1995 and elected in 1990) was that when respondent became the Up-Pradhan of the Mohtli Gram Panchayat in 1990, he managed to get the entries in Exs.PW-4/A, PW-4/B, and PW-4/C, relating to caste namely 'Tarkhan' struck off and substituted the word 'Lohar'. The suggestion of course was denied. If the substitution was with reference to the entry in only one register, it could have been explained away as a mistake. But it is significant that the registers of the years 1976, 1977 and 1982-1989 all show the caste of the family as 'Tarkhan' and all the entries are struck off and substituted by the word 'Lohar'. The High Court has refused to rely on Ex. PW4/A, B, C only on the ground that the entries in the register contained some other corrections and that the manner in which they were maintained raised a doubt about the probative value of the document. We are of the view that in the absence of any satisfactory explanation of the caste 'Tarkhan' being struck off and substituted by 'Lohar', the conclusion is that they were all done subsequent to 1990 when respondent became the Up-Pradhan.

25. The evidence let in by appellant clearly establish the following :

- (a) Respondent was born in and is a resident of Mohtli village. His date of birth is 2.5.1956.

- (b) Respondent is the last and fifth child of his parents are Milki Ram and Giano. Respondent is the only 'Bodh Raj', son of Milkhi Ram in Mohtli village.
- (c) Respondent was a student of government primary and middle schools, Mohtli. The school records show that Respondent is the son of Milkhi Ram of Mohtli and his caste was Tarkhan on the basis of particulars furnished by his father.
- (d) In the birth register maintained in the jurisdictional Police Station as per the Punjab Police Rules, his date of birth was registered as 2.5.1956 and the caste of his parents was shown as Tarkhan;
- (e) That in the Pariwar Registers maintained by the Gram Sabha between 1976 and 1989, the caste of his family was shown as 'Tarkhan' and that sometime thereafter, it was struck off and shown as 'Lohar'. The evidence of the residents of Mohtli village (PWs.7 to 10) support the same. There is nothing in the cross-examination of PWs.7 to 10 to disbelieve their statements that the respondent belonged to Tarkhan caste. However, even if we exclude the entire oral evidence, the documentary evidence produced by the appellant, to which we have adverted to above, clearly demonstrate that the respondent's father and his family members including respondent had always held out to be and accepted as persons belonging to Tarkhan caste. It was only after 1990, the respondent tried to show that he belonged to Lohar caste.

26. The Learned counsel for the respondent submitted that in view of Ex. PW4/D and Ex.RW-5A, he should be considered as having established that he belongs to Lohar caste. Ex. PW-4/D is the Pariwar Register extract for the year 1990 onwards. The same no doubt shows the caste of respondent as Lohar. But when Ex.PW-4/D is read in conjunction with PW-4/A, PW-4/B and PW-4/C which are the Pariwar Register extracts relating to the previous years (1976, 1977 and 1982-1989) where his caste was shown as Tarkhan and later altered as 'Lohar', the entry in Ex.PW-4/D becomes a self serving statement. The respondent was elected as the Upapradhan of Mohtli Gram Panchayat in the year 1990 (RW-6, Ved Prakash, belonging to his party was elected as Pradhan). In his capacity as Upapradhan he had access to the records of the Panchayat, and it is obvious that with the intention of representing himself as belonging to a Scheduled Caste of Lohar, had ensured that his caste was shown as Lohar in PW-4/D. The alteration of the entries relating to caste in Exs.PW4/A, 4/B and 4/C, from 'Tarkhan' to 'Lohar' should be looked at in this background, particularly when it is seen that the correction of caste by striking out 'Tarkhan' is not only in regard to the family of respondent but also in the case of some of the relatives of the respondent. In so far as the caste certificate Ex.RW-5/A issued by the Executive Magistrate, Indora, relied on by respondent, it has to be observed that such caste certificates are not given after a thorough investigation. When the caste of respondent is in issue and when primary evidence regarding caste is led by appellant, and the attempt of respondent to claim to be a 'Lohar' from 1990 is evident, the caste certificate issued by the Executive Magistrate on 1.12.1991 cannot be taken as evidence to prove the caste of the respondent. The decision of this Court in *R. Palanimuthu vs. Returning Officer* [1984 (Supp.) SCC 77], supports this position. In *Madhuri Patil* (supra), this court observed that when the school records show a particular caste, the caste certificates issued to the candidates and his relatives by the Executive Magistrate showing a different caste should be ignored. Reference was also made to the caste certificate of two relatives. But they are also of the period subsequent to 1990 when respondent started showing that he belonged to Lohar caste. They have to be ignored as observed by this Court in *Madhuri Patil* (supra).

27. In view of the above, we are of the view that the appellant has clearly established that the respondent and his family belong to Tarkhan caste which is not a scheduled caste in Himachal

Pradesh. It is also clear that from around 1990, the respondent has made efforts to show his caste as 'Lohar', a scheduled caste. Consequently, we hold that the respondent who did not belong to a Scheduled Caste, was not qualified to be chosen to fill a seat in the Legislative Assembly reserved for Scheduled Castes.

28. Therefore, we allow this appeal, set aside the judgment of the High Court and declare the election of the returned candidate (Bodh Raj) from 35- Gangath Assembly Constituency in the 2003 Election, to be void. Parties to bear their respective costs.

Sd/-

..... CJI
(K.G.Balakrishnan)

New Delhi;
November 30, 2007.

Sd/-

..... J
(R.V.Raveendran)

By order,

K.F.WILFRED
Secretary.

DEPARTMENT OF MPP & POWER

NOTIFICATION

10th January 2008

No. MPP-F(2)-5/2005-II-Loose.—In partial modification of this department notification of even no. dated 13th July, 2007 and in exercise of the powers vested in him vide Article-31 of the Memorandum and Articles of Association of Himachal Pradesh Power Corporation Limited, the Governor of Himachal Pradesh is pleased to reconstitute the Board of Directors on the Board of Directors of Himachal Pradesh Power Corporation Limited as follows :—

- | | |
|--|--------------------------|
| 1. Chief Secretary | <i>Chairman</i> |
| 2. Principal Secretary/Secretary (Power) | <i>Director</i> |
| 3. Pr. Secretary / Secretary (Finance) | <i>Director</i> |
| 4. Chairman, H.P.S.E.B. | <i>Director</i> |
| 5. Member (Civil), H.P.S.E.B. | <i>Director</i> |
| 6. Shri S. K. Baldi, IAS | <i>Managing Director</i> |

(By order)

Sd/-

Pr. Secretary.

‘श्रम विभाग’**अधिसूचना**

शिमला-171001

संख्या :11-2/93(Lab)ID/ 07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Vinod Kumar S/O Shri Kanshi Ram, Village Dhawai, P.O..Dubloo via Chail, Sub Tehsil Junga, District Shimla, H.P. V/S (1) Executive Engineer, HPSEB Division, Solan District Solan H.P. (2) Assistant Engineer, Electrical Sub Division, HPSEB, Kandaghat District Solan, H.P के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination w.e.f. 25.07.98 vide notice dated 13- 07-98 of Shri Vinod Kumar S/O Shri Kanshi Ram daily wage workman by the (1) Executive Engineer, HPSEB Division, Solan District Solan H.P. (2) Assistant Engineer, Electrical Sub Division, HPSEB, Kandaghat District Solan, H.P is legal & justified? If not, to what seniority, back wages, service benefits and relief the concerned workman is entitled to?”

शिमला-171001

संख्या :11-2/93(Lab)ID/ 07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Jai Singh S/O Sher Singh, R/O Village Boriwala P.O. Kaulanwala Bhoo, Tehsil Nahan District Sirmour (H.P) V/S The Executive Engineer, HPSEB, Division Nahan District Sirmour (H.P.) के नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

”Whether the plea of Executive Engineer HPSEB, Division Nahan District Sirmour H.P that Shri Jai Singh S/O Sher Singh daily wage beldar has left the job of his own accord after 20.01.95 due to absenteeism is legal & justified ? If not, to what back wages, seniority service benefits and relief the concerned workman is entitled to ?”

शिमला-171001

संख्या :11-2/93(Lab)ID/ 07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Lal Singh S/O Shri Sher Singh, R/O Village Boriwala P.O.Kaulanwala Bhoo Tehsil Nahan District Sirmour (H.P) V/S The Executive Engineer, HPSEB, Division Nahan District Sirmour (H.P.) नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the plea of Executive Engineer HPSEB, Division Nahan District Sirmour (H.P.) that Shri Lal Singh S/O Shri Sher Singh daily wage workman had left the job of his own accord after 20.01.1995 due to absenteeism is legal and justified? If not, to what back wages, seniority, service benefits and relief the concerned workman is entitled to?”

शिमला-171001

संख्या :11-2/93(Lab)ID/ 07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि S/Shri Pardeep Kumar S/O Shri Braham Dass, Vikram Singh S/O Shri Jaswant Singh V/S Executive Engineer, H.P.S.E.B., Electrical Division, Gagret, District Una, H.P. के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination of services of S/Shri Pardeep Kumar S/O Shri Braham Dass, Vikram Singh S/O Shri Jaswant Singh workmen by the Executive Engineer, H.P.S.E.B., Electrical Division, Gagret, District Una, H.P w.e.f. 25-12-94, 25-07-94 respectively without complying the provisions of the Industrial Disputes Act, 1947 as alleged by the workmen is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workmen are entitled to?”

शिमला-171001 2007

No. 11-2/93(Lab) ID/07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Suresh Kumar C/O Shri Rajender Kumar, Depot Holder, Village Manghgaon, P.O. Shamti, Tehsil & District Solan, H.P. V/S The Principal, M.N.D.A.V., Dental College & Hospital, Tatul, P.O. Oachghat, Solan, District Solan, H.P. के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination of services of Shri Suresh Kumar workman by the Principal, M.N.D.A.V., Dental College & Hospital, Tatul, P.O. Oachghat, Solan, District Solan, H.P. W.e.f. 15-09-2005 on the basis of domestic enquiry is proper and justified ? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?”

शिमला-171001

No. 11-2/93(Lab) I.D./07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Ranjeet Singh S/O Shri Geeta Ram, Village Jamrari, P.O. Goyla Panner, Tehsil Nalagarh, District Solan, H.P. V/S M/S Birla Textile Mills Limited, Village Bhatoli Kalan Khurd, Sai Road, Baddi, Tehsil Nalagarh, District Solan, H.P के मध्य नीचे दिए गए विषय औद्योगिक विवाद है।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the action of M/S Birla Textile Mills Limited, Village Bhatoli Kalan Khurd, Sai Road, Baddi, Tehsil Nalagarh, District Solan, H.P. to terminate the services of Shri Ranjeet Singh S/O Shri Geeta Ram workman w.e.f. 09-05-2005 and not to pay him salary for the month of April & May, 2005 without complying the provisions of the Industrial Disputes Act, 1947 as alleged by the workman is proper and justified ? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?”

शिमला-171001

संख्या:11-2/93(Lab)ID/07.Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Naven Kumar Thakur S/O Sh. Shakti Parsad Thakur C/O Sh. Yash Pal Kapoor, Village Kaleen. Ward No.13, Teh. & Distt. Solan, H.P./S The Vice President (Works) M/S Himachal Exicom Communications Limited, Chambaghat District Solan, H.P. नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination of services of Shri Naveen Kumar Thakur S/O Sh. Shakti Parsad Thakur, Senior Operator by the Management of M/S Himachal Exicom Communications Limited, Chambaghat, Solan, H.P. w.e.f. 12-8-04 after issuing him charge sheet and holding enquiry is commensurate with charges and held to be legal & justified? If not, what back wages, service benefits and relief the concerned workman/operator is entitled to.”

शिमला-171001

संख्या:11-2/93(Lab)ID/07.Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Narender Kumar S/O Sh. Puran Chand, Vill. Kaleen, Ward No.13, H.No.121, Teh. & Distt.. & Distt, Solan, H.P. V/S The Vice President (Works) M/S Himachal Exicom Communications Limited, Chambaghat District Solan, H.P. नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है ।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को

उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination of services of Shri Narinder Kumar S/O Sh. Puran Chand, Senior Operator by the management of M/S Himachal Exicom Communications Limited, Chambaghat Solan, H.P. w.e.f. 14.8.04 after issuing charge sheet and holding enquiry is commensurate with charges and held to be legal & justified? If not, to what back wages, service benefits and relief the concerned workman/operator is entitled to.”

शिमला-171001

संख्या :11-2/93(Lab)ID/07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Santosh Kumar S/O Shri Keshru Ram, Village Balia, P.O. Nandehar, Tehsil & District Kangra, H.P. V/S The Executive Engineer, I&P.H. Division, Dalhousie, District Chamba, H.P. के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination / retrenchment of Shri Santosh Kumar S/O Shri Keshru Ram, Village Balia, P.O. Nandehar, Tehsil & District Kangra, H.P. by the Executive Engineer, I&P.H. Division, Dalhousie, District Chamba, H.P. vide notice No. IPHD-DLU-EA-I-E-Notice/2000 dated 20-10-2000 is legal and justified? If not, what amount back wages, seniority, past service benefits and compensation the above worker is entitled to?”

शिमला-171001

संख्या :11-2/93(Lab)ID/ 07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Tikhu Ram S/O Shri Khayali Ram, Village Kiaru, P.O. Diggall, Tehsil Nalagarh, District Solan H.P. V/S (1) Assistant Executive Engineer, Electrical Sub Division, H.P.S.E.B. Ram Sehar, District Solan, H.P. (2) Superintending Engineer, Operation Circle, H.P.S.E.B. Solan District Solan H.P. के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है ।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the termination of services of Shri Tikhu Ram S/O Shri Khayali Ram workman by the (1) Assistant Executive Engineer, Electrical Sub Division, H.P.S.E.B. Ram Sehar, District Solan, H.P. (2) Superintending Engineer, Operation Circle, H.P.S.E.B. Solan District Solan H.P. w.e.f. 30.04.98 without complying with the provisions of Industrial Disputes Act, 1947 is legally justified and maintainable ? If not, to what seniority, back wages, service benefits and relief the concerned workman is entitled to?”

शिमला-171001, 2007

No. 11-2/93(Lab) ID/07-Solan.—अधोहस्ताक्षरी को यह प्रतीत होता है कि Shri Ram Samujh Yadav S/O Shri Sheru Yadav, C/O Sidhartha Supper Spinning Mills, Q.No 177, Mazdoor Colony, Nalagarh, District Solan, H.P.V/S The Managing Director, M/S Sidhartha Supper Spinning Mills, Village Nihla Khera, Nalagarh, District Solan, H.P. के मध्य नीचे दिए गए विषय पर औद्योगिक विवाद है।

और औद्योगिक विवाद अधिनियम, 1947 की धारा 12(4) के अधीन समझौता अधिकारी द्वारा प्रदत्त की गई रिपोर्ट पर उक्त अधिनियम की धारा-12 की उपधारा-5 के अधीन विचार करने के उपरान्त अधोहस्ताक्षरी ने निर्णय लिया है कि मामला श्रम न्यायालय/औद्योगिक अधिकरण को अधिनिर्णय के लिए भेजने योग्य है।

अतः हिमाचल प्रदेश सरकार द्वारा जारी अधिसूचना संख्या :19-8/89-श्रम (लूज) दिनांक 7 सितम्बर 1992 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधोहस्ताक्षरी औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उप धारा (1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए एतद द्वारा इस मामले को उक्त अधिनियम की धारा-7 के अधीन गठित श्रम न्यायालय औद्योगिक अधिकरण हिमाचल प्रदेश को नीचे व्याख्या किए गए विषय पर अधिनिर्णय देने के लिए भेजा जाता है :-

“Whether the action of M/S Sidhartha Supper Spinning Mills, Village Nihla Khera, Nalagarh, District Solan, H.P. to terminate the services of Shri Ram Samujh Yadav S/O Shri Sheru Yadav workman W.e.f. 20-03-2006 on the grounds of absenteesim and not to accept his joining on production of medical certificate without complying the provisions of the industrial Disputes Act, 1947 as alleged by the workman is proper and justified ? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to?”

Sd/-

Labour Commissioner.

ब अदालत श्री मुनशी राम, नायब-तहसीलदार एवं सहायक समाहर्ता, द्वितीय श्रेणी, नम्होल, जिला बिलासपुर, हिमाचल प्रदेश

केस नं० /NT/0

तारीख पेशी 18-2-2008.

नानकू पुत्र साधू

बनाम

सर्वसाधारण एवं आम जनता

दरखास्त तस्दीक फरमाए जाने इंतकाल 'मकफूद उल खबरी' वरास्त वंशी पुत्र साधू।

श्री नानकू पुत्र श्री साधू निवासी मामनू उप-तहसील नम्होल, जिला बिलासपुर हि० प्र० ने इस कार्यालय में प्रार्थना-पत्र दिया है कि उसका छोटा भाई वंशी पुत्र श्री साधू अरसा 30 वर्ष से घर से लापता है। काफी तलाश करने पर भी वह आज तक कहीं नहीं मिला है और उसकी वरास्त का इंतकाल उसके तीन वारसानों नं० 1. श्री गरजा पुत्र श्री साधू 2. प्रेमी देवी पुत्री श्री साधू व नं० 3. श्री नानकू खुद पुत्र साधू के नाम तस्दीक करने का अनुरोध किया है। जिसकी वरास्त का इंतकाल नं० 350 मौजा त्यामन, 309 मौजा मामनू व 834 मौजा टेपरा दर्ज है।

अतः इस इश्तहार द्वारा सर्वसाधारण को सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर व एतराज हो तो वह दिनांक 18-2-2008 को सुबह 10 बजे असालतन या वकालतन हाजिर अदालत आकर प्रस्तुत का सकता है। उक्त दिनांक को किसी किस्म का उजर व एतराज प्राप्त न होने पर लापता श्री वंशी की वरास्त का इंतकाल उसके उक्त तीनों वारसानों के नाम तस्दीक करने के आदेश पारित कर दिए जाएंगे।

आज दिनांक 3-1-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

मुनशी राम,
नायब-तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी, नम्होल, जिला
बिलासपुर, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता प्रथम श्रेणी वडोह, जिला कांगड़ा, हिमाचल प्रदेश

मुकद्दमा नं० 5/2007

तारीख दायरा 24-12-2007

तारीख पेशी 18-2-2008

रमेश कुमार पुत्र श्री लच्छमण दास, निवासी महाल दसेहड़, मौजा लूहना, तहसील वडोह, जिला कांगड़ा (हि० प्र०) वादी।

बनाम

आम जनता आदि

विषय.—राजस्व अभिलेख में मोहिन्दर सिंह उप-नाम रमेश कुमार दर्ज करने बारे प्रार्थना-पत्र।

इश्तहार बनाम प्रतिवादीगण (आम जनता)

प्रार्थी रमेश कुमार पुत्र श्री लच्छमण दास ने मय हल्फिया ब्यान व अन्य प्रमाण-पत्रों सहित प्रार्थना-पत्र गुजारा है कि उसका नाम हर जगह रमेश कुमार दर्ज चला आ रहा है, लेकिन राजस्व अभिलेख में मोहिन्दर सिंह पुत्र श्री लच्छमण दास दर्ज चला आ रहा है। प्रार्थी ने प्रार्थना-पत्र में अनुरोध किया है कि उसका नाम राजस्व अभिलेख में मोहिन्दर सिंह उप-नाम रमेश कुमार पुत्र श्री लच्छमण दास दर्ज किया जाए।

अतः इस इशतहार द्वारा सर्वसाधारण (आम जनता) को सूचित किया जाता है कि उक्त प्रार्थी का नाम राजस्व अभिलेख में मोहिन्दर सिंह उप-नाम रमेश कुमार पुत्र श्री लच्छमण दास दर्ज करने पर किसी भी व्यक्ति को कोई एतराज/उजर हो तो वह तारीख पेशी 18-2-2008 को असालतन या वकालतन इस अदालत में प्रातः 10.00 बजे हाजर आकर पेश कर सकता है। हाजर न आने की सूरत में एक तरफा कार्यवाही अमल में लाई जाकर अन्तिम आदेश पारित कर दिए जाएंगे। बाद में कोई भी उजर/एतराज नहीं सुना जाएगा और न मान्य होगा।

आज दिनांक 29-12-2007 को मोहर अदालत व मेरे हस्ताक्षर द्वारा जारी हुआ।

मोहर।

हस्ता०/—,
सहायक समाहर्ता प्रथम श्रेणी वडोह,
जिला कांगड़ा (हि० प्र०)।

न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू एवं कार्यकारी दण्डाधिकारी, कुल्लू, जिला कुल्लू,
हिमाचल प्रदेश

चुनी लाल

बनाम

आम जनता

श्री चुनी लाल पुत्र श्री लाहूलू राम, साकन दलीधार, डाकघर भूठी, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी पोती सुनीता का जन्म दिनांक 12-7-2006 को हुआ है। आवेदनकर्ता अपनी पोती का जन्म इन्द्राज पता न होने के कारण ग्राम पंचायत चौपाड़सा के जन्म रजिस्टर में दर्ज न करवा पाया है परन्तु अब आवेदनकर्ता अपनी पोती की जन्म तिथि का इन्द्राज ग्राम पंचायत चौपाड़सा में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत चौपाड़सा द्वारा रिपोर्ट प्राप्त की गई है। उनकी रिपोर्ट से पाया गया कि सुनीता के जन्म का इन्द्राज उनके रिकार्ड में न हुआ है।

अतः सर्वसाधारण को बजरिया इशतहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को सुनीता के जन्म का इन्द्राज ग्राम पंचायत चौपाड़सा में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इशतहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी का भी उजर व एतराज न होने की सूरत में कार्यवाही एक तरफा अमल में लाई जावेगी और सुनीता के जन्म का इन्द्राज ग्राम पंचायत चौपाड़सा के जन्म रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 31-12-2007 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,
तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू, हिमाचल प्रदेश।

न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू एवं कार्यकारी दण्डाधिकारी, कुल्लू, जिला कुल्लू,
हिमाचल प्रदेश

हुकम चन्द

बनाम

आम जनता

श्री हुकम चन्द पुत्र श्री भीखू राम, साकन भूलंग, डाकघर फोजल, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी लड़की कु० सोनी का जन्म दिनांक 2-10-2002 को हुआ है। आवेदनकर्ता अपनी लड़की का जन्म इन्द्राज पता न होने के कारण ग्राम पंचायत फोजल के जन्म रजिस्टर में दर्ज न करवा पाया है परन्तु अब आवेदनकर्ता अपनी लड़की की जन्म तिथि का इन्द्राज ग्राम पंचायत फोजल में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत फोजल द्वारा रिपोर्ट प्राप्त की गई है। उनकी रिपोर्ट से पाया गया कि कु० सोनी के जन्म का इन्द्राज उनके रिकार्ड में न हुआ है।

अतः सर्वसाधारण को बजरिया इशतहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को कु० सोनी के जन्म का इन्द्राज ग्राम पंचायत फोजल में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इशतहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी का भी उजर व एतराज न होने की सूरत में कार्यवाही एक तरफा अमल में लाई जावेगी और कु० सोनी के जन्म का इन्द्राज ग्राम पंचायत फोजल के जन्म रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 31-12-2007 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,
तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू, हिमाचल प्रदेश।

न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू एवं कार्यकारी दण्डाधिकारी, कुल्लू, जिला कुल्लू,
हिमाचल प्रदेश

देव राज

बनाम

आम जनता

श्री देव राज पुत्र श्री सिता राम, साकन वागा, डाकघर रायसन, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी लड़की कविता का जन्म दिनांक 23-11-1993 को हुआ है। आवेदनकर्ता अपनी लड़की के जन्म का इन्द्राज पता न होने के कारण ग्राम पंचायत रायसन के जन्म रजिस्टर में दर्ज न करवा पाया है परन्तु अब आवेदनकर्ता अपनी लड़की की जन्म तिथि का इन्द्राज ग्राम पंचायत रायसन में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा

अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत रायसन द्वारा रिपोर्ट प्राप्त की गई है। उनकी रिपोर्ट से पाया गया कि कविता के जन्म का इन्द्राज उनके रिकार्ड में दर्ज न हुआ है।

अतः सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को कविता के जन्म का इन्द्राज ग्राम पंचायत रायसन में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी का भी उजर व एतराज न होने की सूरत में कार्यवाही एक तरफा अमल में लाई जावेगी और कविता के जन्म का इन्द्राज ग्राम पंचायत रायसन के जन्म रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 31-12-2007 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,
तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू, हिमाचल प्रदेश।

न्यायालय श्री वी० एस० लगवाल, तहसीलदार कुल्लू एवं कार्यकारी दण्डाधिकारी, कुल्लू, जिला कुल्लू,
हिमाचल प्रदेश

रोशन लाल

बनाम

आम जनता

श्री रोशन लाल पुत्र श्री धानपाल, साकन कलैहली, डाकघर बजौरा, तहसील व जिला कुल्लू ने इस कार्यालय में आवेदन किया है कि उसकी लड़की पूनम का जन्म दिनांक 21-1-1986 को हुआ है। आवेदनकर्ता अपनी लड़की का जन्म इन्द्राज पता न होने के कारण ग्राम पंचायत कलैहली के जन्म रजिस्टर में दर्ज न करवा पाया है परन्तु अब आवेदनकर्ता अपनी लड़की की जन्म तिथि का इन्द्राज ग्राम पंचायत कलैहली में करवाना चाहता है। इस इन्द्राज बारे जिला पंजीकार जन्म एवं मृत्यु पंजीकरण एवं मुख्य चिकित्सा अधिकारी, कुल्लू तथा सचिव, ग्राम पंचायत कलैहली द्वारा रिपोर्ट प्राप्त की गई है। उनकी रिपोर्ट से पाया गया कि पूनम के जन्म का इन्द्राज उनके रिकार्ड में न हुआ है।

अतः सर्वसाधारण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी भी व्यक्ति को पूनम के जन्म का इन्द्राज ग्राम पंचायत कलैहली में दर्ज करने का एतराज हो तो वह किसी भी कार्य दिवस में इश्तहार प्रकाशित होने के एक महीने के अन्दर-अन्दर अपना उजर व एतराज असालतन व वकालतन इस कार्यालय में हाजिर होकर प्रस्तुत कर सकता है अन्यथा किसी का भी उजर व एतराज न होने की सूरत में कार्यवाही एक तरफा अमल में लाई जावेगी और पूनम के जन्म का इन्द्राज ग्राम पंचायत कलैहली के जन्म रजिस्टर में दर्ज करने के आदेश पारित किए जाएंगे।

आज दिनांक 29-12-2007 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

वी० एस० लगवाल,
तहसीलदार एवं कार्यकारी दण्डाधिकारी, कुल्लू,
जिला कुल्लू, हिमाचल प्रदेश।

आशा देवी पत्नी श्री हरमिन्दर सिंह

बनाम

आम जनता

आवेदन पत्र अधीन धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

श्रीमती आशा देवी पत्नी श्री हरमिन्दर सिंह, निवासी लोअर वढेड़ा, तहसील हरोली, जिला ऊना ने इस कार्यालय/न्यायालय में निवेदन किया है कि उसकी पुत्री सुकीरती का जन्म दिनांक 26-19-1995 को हुआ है लेकिन उसके जन्म की तिथि ग्राम पंचायत अभिलेख में दर्ज नहीं है।

अतः सर्वसाधारण को इस इशतहार के माध्यम से सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर या एतराज हो तो वह दिनांक 29-1-2008 को प्रातः 10 बजे अधोहस्ताक्षरी के कार्यालय/न्यायालय में उपस्थित कर सकता है।

यदि उपरोक्त वर्णित तिथि को किसी भी व्यक्ति का कोई उजर या एतराज इस न्यायालय में प्राप्त नहीं होता है तो इस न्यायालय द्वारा जन्म तिथि दर्ज करने हेतु ग्राम पंचायत लोअर वढेड़ा को आदेश दे दिए जाएंगे।

आज दिनांक 1-1-2008 को मेरे हस्ताक्षर एवं कार्यालय/न्यायालय मोहर से जारी हुआ।

मोहर।

हस्ता०/-
कार्यकारी दण्डाधिकारी
(तह०) हरोली,
जिला ऊना, हिमाचल प्रदेश।

ब अदालत सहायक समाहर्ता, द्वितीय श्रेणी, सरकाघाट, जिला मण्डी, हिमाचल प्रदेश

मुकद्दमा शीर्षक:

श्री टेक चन्द पुत्र श्री नन्ता उर्फ अनंत राम, निवासी कोटलू, ईलाका सुरांगा, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश ..प्रार्थी।

बनाम

आम जनता

..प्रत्यार्थी।

विषय.-दरख्वास्त बाबत करने दरुस्ती कागजात माल नाम प्रार्थी।

श्री टेक चन्द पुत्र श्री नन्ता उर्फ अनंत राम, निवासी कोटलू ने इस न्यायालय में प्रार्थना-पत्र पेश किया है कि उसका सही नाम टेक चन्द है। परन्तु राजस्व रिकार्ड में गलती से उसका नाम कृष्ण दर्ज है। प्रार्थी अपने नाम की दरुस्ती करवाना चाहता है।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी को उक्त नाम दुरुस्ती बारे कोई एतराज हो तो वह असालतन या वकालतन हाजर न्यायालय होकर मिति 31-1-2008 को पेश कर सकते हैं। गैर हाजरी की सूरत में कार्यवाही एक पक्षीय अमल में लाई जाएगी।

आज दिनांक 31-12-2007 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
सहायक समाहर्ता द्वितीय श्रेणी,
सरकाघाट, जिला मण्डी (हि० प्र०)।

ब न्यायालय सहायक समाहर्ता, प्रथम श्रेणी, सरकाघाट, जिला मण्डी, हिमाचल प्रदेश
मुकद्दमा शीर्षक:

श्रीमती अमरी देवी पत्नी श्री मूल राज, निवासी सन्देहड़ा, डा० टिहरा, तहसील सरकाघाट, जिला मण्डी, हिमाचल प्रदेश ..प्रार्थी।

बनाम

आम जनता

..प्रत्यार्थी।

विषय.—नाम दुरुस्ती।

श्रीमती अमरी देवी पत्नी श्री मूल राज, निवासी सन्देहड़ा, डा० टिहरा, तहसील सरकाघाट ने इस न्यायालय में प्रार्थना-पत्र पेश किया है कि उसका सही नाम अमरी देवी है। परन्तु राजस्व रिकार्ड (पहचान-पत्र) में गलती से उसका नाम नीलम दर्ज है। प्रार्थिन अपना नाम अमरी देवी दर्ज करवाना चाहती है।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि उपरोक्त नाम दुरुस्ती बारे किसी व्यक्ति को कोई एतराज हो तो वह असालतन या वकालतन हाजर न्यायालय आकर मिति 23-1-2008 को पेश करें। गैर हाजरी की सूरत में कार्यवाही एक पक्षीय अमल में लाई जाएगी।

आज दिनांक 15-12-2007 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—
सहायक समाहर्ता प्रथम श्रेणी,
सरकाघाट, जिला मण्डी (हि० प्र०)।

ब अदालत श्री हरि सिंह ठाकुर, नायब तहसीलदार एवं सहायक समाहर्ता, द्वितीय श्रेणी, तहसील पधर, जिला मण्डी, हिमाचल प्रदेश

श्री बीरेन्द्र कुमार पुत्र स्व० श्री जौण्डू उर्फ ज्योती प्रकाश, निवासी नागण बुहली, तहसील पधर, जिला मण्डी, हिमाचल प्रदेश ..प्रार्थी।

बनाम

आम जनता

..प्रत्यार्थी।

विषय.—आवेदन-पत्र राजस्व अभिलेख में नाम दुरुस्ती बारे।

श्री बीरेन्द्र कुमार पुत्र स्व० श्री जौण्डू उर्फ ज्योती प्रकाश, निवासी नागण बुहली, डा० चुक्कू, तहसील पधर, जिला मण्डी (हि० प्र०) ने शपथी-पत्र सहित इस न्यायालय में एक प्रार्थना-पत्र गुजारा है जिसमें प्रार्थना की है कि मुहाल-नागण बुहली, तहसील पधर के राजस्व अभिलेखों में उसका नाम सन्तोष दर्ज है जबकि उसका प्रचलित नाम पाठशाला प्रमाण-पत्र व परिवार रजिस्टर में बीरेन्द्र कुमार दर्ज है। प्रार्थी ने इस अदालत से यह प्रार्थना की है कि पटवार हल्का चुक्कू के महाल नागण बुहली, तहसील पधर के तमाम राजस्व अभिलेखों में उसका नाम सन्तोष उर्फ बीरेन्द्र कुमार दर्ज करने के लिखित आदेश पारित करने की कृपा करें।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त नाम दुरुस्त करवाने में कोई एतराज हो तो वह असालतन या वकालतन दिनांक 1-2-2008 को प्रातः 10 बजे इस अदालत में पेश करें। उपस्थित न होने की सूरत में कार्यवाही एक पक्षीय अमल में लाई जाकर प्रार्थना-पत्र पर यथोचित आदेश पारित कर दिये जाएंगे।

आज दिनांक 1-1-2008 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हरि सिंह ठाकुर,
नायब तहसीलदार एवं सहायक समाहर्ता द्वितीय श्रेणी,
तहसील पधर, जिला मण्डी (हि० प्र०)।

ब अदालत श्री बी० सी० मिश्रा, सहायक समाहर्ता एवं कार्यकारी दण्डाधिकारी, उप-तहसील कोटली,
जिला मण्डी, हिमाचल प्रदेश

सुन्दरु देवी

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती सुन्दरु देवी पुत्री श्री कातकु राम पत्नी श्री सेवक राम निवासी महाल सुक्काकुन, डा० सेहली, सव-तहसील कोटली, जिला मण्डी ने इस अदालत में प्रार्थना-पत्र प्रस्तुत किया है जिसमें आग्रह किया है कि प्रार्थनी का नाम पंचायत में दर्ज नहीं हुआ है जबकि मेरी जन्म तिथि 1-4-1954 है। परन्तु यह जन्म तिथि पंजीकरण ग्राम पंचायत सेहली में दर्ज नहीं है। अतः निवेदन है कि जन्म तिथि पंजीकरण करने के आदेश पारित किए जावें।

अतः आम जनता को वजरिया इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को इस बारे कोई उजर या एतराज हो तो वह दिनांक 4-2-2008 को प्रातः 10.00 बजे या इससे पूर्व असालतन या वकालतन हाजिर होकर पेश करें। अन्यथा कार्यवाही एक तरफा अमल में लाई जायेगी।

आज दिनांक 2-1-2008 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

बी० सी० मिश्रा,
सहायक समाहर्ता एवं कार्यकारी दण्डाधिकारी,
उप-तहसील कोटली, जिला मण्डी, हिमाचल प्रदेश।